

112TH CONGRESS
1ST SESSION

H. R. 1936

To amend title XVIII of the Social Security Act to exempt blood glucose self-testing equipment and supplies furnished (regardless of method of delivery) by small retail community pharmacies from Medicare competitive acquisition programs and pricing.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2011

Mr. SCHOCK (for himself and Mr. WELCH) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to exempt blood glucose self-testing equipment and supplies furnished (regardless of method of delivery) by small retail community pharmacies from Medicare competitive acquisition programs and pricing.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicare Access to
5 Diabetes Supplies Act of 2011”.

1 **SEC. 2. EXEMPTION OF BLOOD GLUCOSE SELF-TESTING**
2 **EQUIPMENT AND SUPPLIES FURNISHED BY**
3 **SMALL RETAIL COMMUNITY PHARMACIES**
4 **FROM MEDICARE COMPETITIVE ACQUISITION PROGRAMS AND PRICING.**
5

6 (a) IN GENERAL.—Section 1847(a)(7) of the Social
7 Security Act (42 U.S.C. 1395w–3(a)(7)) is amended by
8 adding at the end the following new subparagraph:

9 “(C) CERTAIN BLOOD GLUCOSE SELF-
10 TESTING EQUIPMENT AND SUPPLIES.—

11 “(i) IN GENERAL.—Blood glucose self-
12 testing equipment and supplies furnished
13 (regardless of method of delivery) by a re-
14 tail community pharmacy (as defined in
15 section 1927(k)(10)) that is not under
16 common ownership with more than 10
17 other retail community pharmacies.

18 “(ii) BLOOD GLUCOSE SELF-TESTING
19 EQUIPMENT AND SUPPLIES DEFINED.—
20 For purposes of this subparagraph, the
21 term ‘blood glucose self-testing equipment
22 and supplies’ includes blood glucose mon-
23 itors, blood-testing strips, lancet devices
24 and lancets, and glucose control solutions
25 for checking the accuracy of the monitors
26 and testing strips.”.

1 (b) INAPPLICABILITY OF COMPETITIVELY BID
2 PRICES.—Section 1834(a)(1)(F)(ii) of the Social Security
3 Act (42 U.S.C. 1395m(a)(1)(F)(ii)) is amended by strik-
4 ing “use information” and inserting “, except in the case
5 of blood glucose self-testing equipment and supplies ex-
6 empt from the programs under section 1847 pursuant to
7 subsection (a)(7)(C) of such section, use information”.

8 (c) EFFECTIVE DATE.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), the amendment made by subsections (a)
11 and (b) shall apply on and after the date of the en-
12 actment of this Act.

13 (2) EFFECTIVE DATE IN AREAS WITH CON-
14 TRACTS.—If contracts for a competitive acquisition
15 area for blood glucose self-testing equipment and
16 supplies are (or have been) entered into under a
17 competition for which the close of bidding was on or
18 before the date of the enactment of this Act, the
19 amendment made by subsection (a) shall apply in
20 the area on and after the date on which all such
21 contracts have expired.

22 (3) DEFINITIONS.—For purposes of this sub-
23 section—

24 (A) the term “close of bidding” means the
25 final date specified by the Secretary of Health

1 and Human Services for submission of bids;
2 and

3 (B) the term “competition” means a com-
4 petition conducted pursuant to section
5 1847(b)(1) of the Social Security Act (42
6 U.S.C. 1395w-3(b)(1)).

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